

**Starksboro Development Review Board
Hearing/meeting minutes**

1/8/2015

Dan Nugent opened meeting at 7:30 PM

DRB Members present- Dan Nugent, Chair, Ben Campbell, Marjorie Dickstein, Jon Fenner, Rob Liotard, Arnell Paquette, and Rich Warren

Others: John Driscoll, Adam Driscoll, James Stowe, David Purinton, Peter Purinton, Dennis Casey and Dave Wetmore (ZA)

Review of Minutes:

8/28/2014- Rob moved to approve the minutes of 8/28/2014 as corrected, Marjorie 2nds. Approved 4-yes, 0-no. Ben, Jon and Arnell abstained.

11/13/2014- Ben moved to approve the minutes of 11/13/2014 as corrected, Rob 2nds. Approved 6-yes , 0-no. Rich abstained.

DRB Business

Public hearing on application #2014DRB-04-CU/SP, request to expand light industrial use of P&P Sawmill property, parcel #D2253S by Driscoll Brothers Excavating (DBE)

Dan opened the hearing at 7:50 PM by introducing the Board, attendees and read the meeting warning that was sent to the abutters and publically noticed/warned as required by VT Law. Dan administered the oath to John, Adam, Peter Purinton, Dave Purinton and Dave Wetmore.

John and Adam- Introduced their application. John and his brother Adam are considering purchasing P&P Sawmill. They are requesting to add to the sawmill use, approval for the operation of their excavation business on the property. This will change slightly the way the property and existing storage building is used. The property is a 10.4 acre parcel that was created in 1996. The sawmill operation has existed since 1979. Over the years the property has been accessible to heavy trucks and equipment. Recently the sawmill business has slowed and allowing them to operate their excavating business from the property along with the sawmill would make the business venture more viable. Their hope is to keep the sawmill operational and build it back up. As of this time they are not planning any changes or additions. The existing storage shed is 40-ft by 100-ft and includes an existing workshop that can serve both the existing sawmill and the proposed excavation business. The other 4 bays will be used to store the proposed excavation and existing sawmill equipment.

John explained that they have included on the site plan two additional accessory structures, approx. 50-ft by 100-ft. Dave had suggested that they include any proposed building that may be needed within the next 5 years. Dave explained that he encourages applicants to think about their possible short term needs and to include them in the application.

Dan explained that the DRB would review the Conditional Use and Site Plan criteria, sections 4.8 and 4.10. John and Adam reviewed their responses included with the application with DRB, guests and ZA.

4.8.3.1 Character of the land

Applicants- We in no way plan or need to change the character of this property, the addition of Driscoll brothers excavating would be the parking and maintenance of equipment in existing buildings or on the property in some of the same locations already used by P&P Lumber. No harm to public health or the environment could be expected. One possible use of a new storage shed, in addition to lumber and equipment storage needs, could be to house a salt/sand product. The Driscolls provide snow removal services for customers and having salt/sand on site

Approved: _____ Date: _____

would be an asset. DRB expressed concern about possible contamination. Adam stressed that the shed would be designed with a concrete/asphalt floor and apron to address contamination concerns. Dave also noted that any changes including the change of use would likely require an Act 250 amendment and other state review. John stressed that at this time no new structures are needed. John also noted that the property is governed by a State Stormwater permit. There is bathroom facility, wastewater system and a well located on the property.

4.8.3.2 Preservation of existing features

No changes to the existing features of this property would occur. If anything we would do some general clean up including mowing and or brush-hogging of the open spaces and general organizing of the mill products and equipment. The mill use currently does not occupy the entire 10 acres. The Applicants noted that some of the parcel has been used for agricultural products and this would likely continue.

4.8.3.3 Recreational open space

We feel this does not apply. This property is already used for light industry.

4.8.3.4 Runoff and Erosion

No new construction is planned; P&P already follows a storm water management plan and a yearly inspection by the State of Vermont. Marjorie cautioned the Applicants that a change of use might require Public Safety review.

4.8.3.5 Lot layout

We feel this does not apply; this is a pre-existing lot. No subdivision or re-configuration is being asked for. The lot was created in 1996. The existing road access is adequate for the expanded use of the property.

4.8.3.6 Highway congestion

The only added traffic to Tatro Road would be one to two pickup trucks arriving in the morning and the one pickup and a tandem truck with or without a trailer leaving shortly after. There are only two of us at DBE and most of the year our equipment is on job sites. Very little pedestrian impact would be anticipated. The property is located a short distance from RT 116 and does not impact much of Tatro Road. Dave noted that the existing sawmill use has the potential for much more impact on roads. Historically, large trucks have been used to transport logs and lumber to and from the mill. Additionally, customer traffic has been present as P&P continues to serve the general public.

4.8.3.7 Municipal Services

This approval would not impact any services highlighted in this section. The only town service impact could be the Highway department because of the town dirt road. This would only be an impact during mud season; road foreman Tom Estey has always trusted contractor's judgment during mud season not to do harm to the road. If asked by the road foreman not to use Tatro Road during mud season, we would make other arrangements. No problems should be anticipated as this is generally a slow time of year for us.

4.8.3.8 Compliance & Compatibility

There should be no significant change to the look or character of this property. No change to the mill operation is being proposed. The existing shed does not comply with the commercial side yard setback of 50-ft. However, the Town approved this layout in SD approval 96-105SD. No additional signs are proposed. Currently the Mill does have a sign.

4.8.3.9 Air, Noise, Exterior lighting, Water pollution

We would have little to no impact on air pollution since we will be parking our equipment on the property or in the existing structures. Maintenance would take place in the buildings and would not impact air quality. Noise impact would be relatively minor, our equipment does make noise, but would be for short durations, i.e. loading onto a trailer or unloading and parking of equipment. The loudest noise would probably be the back-up alarm. We would typically arrive in the morning and gather tools and equipment, leave shortly after and may or may not return in the evening depending on the nature of the job at the time, our equipment may not come back on any particular day. The existing exterior lighting on the property would be sufficient. If new lighting were needed, LED lighting will provide a focused light where needed with little to no impact to neighbors. Water pollution is covered in section 4.8.3.4

4.8.3.10 Energy conservation

No new development is proposed. It would be in our best interest that improvements would be energy efficient, i.e. insulation improvements or LED lighting.

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4.8.3.11 Ag, scenic, rural residential corridors

No changes to the Ag, scenic value of this property is proposed. Any new buildings would be an addition to the existing ones or located near existing buildings so we could make use of the existing driveway and maintain the Ag, scenic look to the property.

Other questions:

1. When will sawing commence again? Applicants state that the mill is still sawing lumber, although not at the previous level. Peter stated that the mill is capable of sawing 3000 board feet/day. John stated that there are good markets for post and beam, landscaping and accessory shed products and that's where he sees growth potential. Additionally, the two uses complement each other well.
2. Board reviewed the ACT 250 permit and noted the following
 - The ACT 250 permit issued does not expire.
 - Changes would require Act 250 amendment.
3. Ben asked about discontinuance of use. Dave explained nonconformities would need to cease for 1 year to lose the use. However, it is Dave's opinion that both of these uses are considered "light industrial" uses which are considered conditional uses.

Review of Section 4.10- Dan read site plan criteria. DRB agreed that the criteria had been addressed in section 4.8.

Dan review the exhibits list. They include.

Ex. 1- Application and required fee

Ex. 2- Proposed site, survey and orthophoto information

Ex. 3- Applicants' narrative

Ex. 4- Abutter and public notice compliance

Ex. 5- Act 250 permit info.

Ex. 6- PC minutes regarding SD# 95-105SD

Dan asked if there were any other questions. Dan asked for a motion to close the hearing.

Rob moved to close public hearing #2014DRB-04-CU/SP, Arnell 2nds. Motion affirmed 7-yes and 0-no. Dave explained that the DRB has 45 days to issue their decision and then there is a 30 day appeal period thereafter. Applicant and guests leave 8:45 PM.

Other business-

DRB deliberated on application 2014DRB-04-CU/SP.

DRB will meet to review decision on 2014DRB-04-CU/SP on January 22nd at 7:30 PM

Adjournment

Rob moved to adjourn at 9:30 PM, 2nd by Ben. Moved 7-yes, 0-no.

Approved: _____

Date: _____